

1 to with respect to Continental proposal is a nitrogen tank  
2 assembly and I presume the reason that you said that would not  
3 be necessary is due to the fact --

4 A -- cable. We have two different types of cable.  
5 One is the -- is the phone cable that replaces the air space  
6 that's in between the two conductors with a foam and there's  
7 no pressurization required for that.

8 Q Right. In your installation, you're -- you're --  
9 you're proposing a type of line and antenna that would be  
10 pressurized --

11 A That's correct.

12 Q Without foam barrier, right?

13 A Um-hum.

14 Q Do you call it barrier or did I mistake?

15 A You call it gas pass and gas barrier.

16 Q The -- so in your installation, would you need a  
17 nitrogen tank assembly?

18 A I would but I wouldn't buy it from Continental. I'd  
19 buy it through the local gas supplier. You can usually pick  
20 them up for fifty bucks there. And not this two hundred  
21 dollar item.

22 Q Okay. Would you use a nitrogen or would you use the  
23 dry air approach?

24 A Initially, if it's a tight installation, I'd -- I'd  
25 initially pressurize with nitrogen.

1 Q Okay. And you need with that, is it -- is there --  
2 or an assembly. A tank is a tank that holds the gas where an  
3 assembly is gages or --

4 A Yeah. Yeah, it's two gages. One shows the pressure  
5 in the tank and how much pressure's going out. The cost of  
6 which, the gas supplier usually has them even.

7 Q So that would come with the use of the tank?

8 A And you could rent it, probably. And, it's -- I've  
9 rented them for like ten bucks a month so, this is -- and if  
10 they're a real tight tank, with a tight assembly with a  
11 coaxial cable in the antenna, sometimes you don't even have to  
12 keep them pressurized. The pressure will just stay there.

13 Q The -- the next reference you made was to the --  
14 well, -- I -- toward the bottom -- the fact that the testimony  
15 discount page was admitted.

16 A Um-hum.

17 Q I wanted to show you the proposal.

18 A In the submission for Mr. Seaver, there were no  
19 discounts.

20 Q Yeah, I know. I just wanted to show you the  
21 proposal. See if we can -- if -- if it's in there. That was  
22 not complete, as you pointed out. What you were looking at.

23 A I'm speaking about what I reviewed. What was  
24 submitted as testimony before.

25 Q I understand.

1 MR. CARR: What does, what does the witness have  
2 before him now?

3 MR. BRADY: The witness has a copy of the same  
4 proposal, but has a copy of the complete proposal.

5 MR. CARR: And that's -- just what's in the exhibit  
6 then?

7 MR. BRADY: That's correct. Yeah. He -- he was  
8 pointing out that that's not included in what was filed and --

9 MR. MERTZ: They just say the straight list.

10 BY MR. BRADY:

11 Q You don't -- it's not in there? Is that correct?

12 A Nope. I have some -- I have some sample proposals  
13 that do show what the discounts are.

14 Q Okay.

15 A I'm doing purchasing for another group and I've got  
16 sample exhibits necessary.

17 Q But -- but -- but it's not true that SBH withheld  
18 that in this instance?

19 A They were -- usually when it's been -- I've been  
20 buying equipment for twenty some odd years --

21 Q That wasn't my question.

22 A Okay. I'm telling -- normally --

23 Q I'm just trying to show that we didn't -- we didn't  
24 fail to provide information. The -- on page 5 of your  
25 testimony, this may be the same answer, I asked you a minute

1 ago. You refer to -- you're distinguishing the World tower  
2 from the one that was -- well, you refer to -- to it being six  
3 inches larger than that specified in Bryan's estimate?

4 A True.

5 Q Are you using -- in referring to Bryan's estimate,  
6 are you referring to the quote he obtained from --

7 A Mr. Stone.

8 Q Mr. Stone? Okay. Not with respect to his original  
9 proposal which didn't specify any specifics regarding the  
10 tower?

11 A No. I -- the two went -- he got an estimate from  
12 Mr. Stone

13 Q Mr. Stone? Okay.

14 A Specifying the forty-five jake and that's what we  
15 compared it to.

16 Q I think that's what I -- The 45g Rohn tower -- the  
17 maximum recommended height for that tower is 300 feet, isn't  
18 it?

19 A It's the standard.

20 Q And, it -- and that's at the seventy mile an hour  
21 average wind speed, is that correct?

22 A I'd have to look in the catalog and see. I believe  
23 it meets -- that's where it meets the standards.

24 Q I've got a catalog, I can show you.

25 A I have one. I just have -- can I get my catalog?

1 Q This is a -- you may recognize it. Is that -- is  
2 that a Rohn?

3 A It looks like in the dealer price list, yeah.

4 Q Yeah.

5 A I don't know whether this is a current price list or  
6 not.

7 Q I believe it is.

8 MR. CARR: The witness has the document that he can  
9 refer to.

10 MR. MERTZ: I have it.

11 MR. BRADY: I've got a document he can refer to  
12 also.

13 MR. MERTZ: In my case I have a Rohn catalog with  
14 the latest catalog.

15 BY MR. BRADY:

16 Q This is -- I just made a copy to make it easier for  
17 marking as an exhibit, but --

18 A That's it.

19 Q This is January '94.

20 A I just want to make sure we're talking the same  
21 thing. Thank you. I just received this on June 5 from Ken --  
22 he was the local representative from Rohn. Okay. It's this  
23 one.

24 Q Okay. Well, this is -- this is just -- I believe  
25 this is -- surely I didn't copy the wrong one.

1           A     That looks like it's right.

2           Q     Same prices it looks like. The -- that -- the three  
3 hundred foot -- this is a 45g, the 300 foot is the maximum  
4 height. This is a recommendation, obviously.

5           A     That is correct. Yes. Um-hum

6           Q     Okay. So, and -- the price is on this page for the  
7 -- for the complete package? And, the -- if you went to a  
8 higher wind speed than seventy, is it recommended -- how high  
9 is it recommended to go at -- at that wind speed? At the  
10 ninety?

11          A     If you recommended ninety, you could only -- with  
12 that particular tower, is shows it only going out 240 feet.  
13 But that's not the question here. The tower specification is  
14 for a 300 foot tower specific heights. And that's there. Why  
15 would we need a ninety mile an hour wind speed. RS222 E, I  
16 believe, is -- if memory serves me correctly, is at fifty  
17 miles an hour.

18          Q     Well, if you turn over the page, the next tower up,  
19 55g which Mr. Stone has referred to in his testimony.

20          A     I don't recall which one. I believe it was a 45.

21          Q     He did. He did refer to the forty-five and he --  
22 but he also referred, toward the end of his testimony, to a  
23 fifty-five and the fifty-five could be installed at a higher  
24 wind speed up to 300. Is that correct?

25          A     That's what it looks like.

1 Q In fact, how high is the highest height they --

2 A At ninety, with no ice, it would be -- that would be  
3 the highest. But you could also go 400 feet if you specify  
4 the 70 mile an hour wind speed with that tower.

5 Q Right.

6 A So what's your point?

7 Q The basic wind speed, is that -- does that -- do you  
8 understand that to be an average wind speed?

9 A This is basic wind speed. This is -- they're rated  
10 by zones. And I believe that's in here. I want to see if it  
11 has a map in here. There's a zone map that tells you what  
12 their recommendation based on experience is.

13 Q Is this what you're looking for?

14 A Yeah. Where did you get this?

15 Q Out of the wrong catalog.

16 A Okay. -- not provide it. Let's see. Okay.

17 Q And this -- that shows a 70 mile an hour wind speed  
18 for most of the state of Tennessee, I believe, just to make  
19 things simple, doesn't it?

20 A A good part of it, yes.

21 Q Okay. The -- along the ridge there where the Smokey  
22 Mountains are located on the eastern border of the state, it  
23 has a different shading, does it not?

24 A Yes, it does.

25 Q And, what is the significance of that shading?

1           A     Just a special wind region.

2           Q     Would that mean -- what, I mean, what would that  
3 indicate to you, I mean, in terms of --

4           A     It's just to evaluate the conditions in that  
5 location.

6           Q     Differently from other locations?

7           A     It would depend.

8           Q     Would it -- would it -- would it indicate that the  
9 wind speed would be likely to be higher or lower?

10          A     It could be lower.

11          Q     Could be lower could be higher?

12          A     Could be higher.

13          Q     In your opinion, based on your experience, in an  
14 area adjacent to a mountain range like that, would it be  
15 higher or lower?

16          A     It's hard to tell. It depends on the situation. I  
17 don't have any experience near a mountain range that I can  
18 say, here's what it is.

19          Q     Okay. The -- have you reviewed the transmitter site  
20 location that Mr. Bryan is proposing and to be able to know --  
21 do you know how close it is to the mountain range?

22          A     No.

23               MR. BRADY: Your Honor, I want to mark this as  
24 whatever our next exhibit number -- is it 16?

25                               (Whereupon, the document referred to



1                                   was marked for identification as SBH  
2                                   Exhibit Number 16.)

3                   BY MR. BRADY:

4           Q     The map that you just referred to is -- is what I've  
5 marked as 16. Is that correct?

6           A     Um-hum.

7           Q     Your Honor, if you'll bear with me I'll have copies.

8           A     May I read from this?

9           Q     Yeah. Let me just distribute these and then --

10          A     Okay.

11          Q     Did you have an additional comment, Mr. Mertz?

12          A     Yeah. I'd like to read from this map if I could.

13          Q     Okay.

14          A     Just to qualify the map, it says wind speed is  
15 indicated on the wind map are for reference only. Actual wind  
16 speed requirements must be determined based upon local  
17 conditions and must meet local building and code requirements,  
18 is what I said before.

19          Q     Right. The -- in terms of meeting the local  
20 requirements, have -- have you made any determination of the  
21 wind speed at Mr. Bryan's site?

22          A     I have not. He had a local -- the local distributor  
23 deal with that.

24          Q     Okay. Okay. So, Mr. Stone would be the one to rely  
25 on with that.

1           A     Yes. He's the one you need to talk to. He's looked  
2 at the site. I've not been to the site.

3           Q     Okay.

4           JUDGE FRYSIAK: By the way, that exhibit is 16, you  
5 marked it 15.

6           MR. BRADY: I apologize.

7           BY MR. BRADY:

8           Q     Page seven of your -- moving over to page seven of  
9 your testimony.

10          A     Um-hum.

11          JUDGE FRYSIAK: A short recess?

12          MR. CARR: No, I just had to stretch, Your Honor.  
13 Thank you.

14          MR. BRADY: Okay?

15          BY MR. BRADY:

16          Q     The -- your reference to the -- at the bottom --  
17 near the bottom of that paragraph, revised estimate it says,  
18 in terms of typical -- you refer to -- you use the term  
19 typical installation techniques.

20          A     Where is this at?

21          Q     I'm sorry. It's -- it's the third to the last  
22 sentence, it begins cable links, size and accessories.

23          A     Um-hum.

24          Q     You see that. Okay. Based upon typical  
25 installation techniques. What -- would you describe, just

1 briefly, what -- what that takes into account?

2       A     Okay, what I did was to arrive at the estimate is I  
3 figured where the antenna that I was specifying would mount,  
4 where the coaxial would connect to the antenna, the length  
5 required to go down the side of the tower, come off the tower  
6 at approximately ten feet above the ground, and then into the  
7 building and connect to the transmitter. And, that's why I  
8 specified 280 feet as opposed to 300 because you don't need  
9 the 300 feet. You've have twenty feet on the ground. It's a  
10 waste.

11       Q     And that -- that -- that antenna is fed, what from  
12 the bottom or from the middle?

13       A     From the transmitter.

14       Q     No, I mean the line on the antenna.

15       A     From the bottom. This is an impact, yes.

16       Q     Okay. The -- at the bottom of the page you refer to  
17 -- and you refer to the discounts that you calculated -- the  
18 expected vender discount, was that in your -- in the proposal  
19 that you prepared which are tables, the table. Table one and  
20 two, I guess you refer to them as. The price is listed beside  
21 the item, is that -- that is the discounted price or not the  
22 discounted price?

23       A     There's an error that I got from the vender for the  
24 transmitter and for the QEU exciter. I have confirmed the  
25 prices and I have an updated price sheet. It raises the total

1 cost about \$3,000. And they are truly all rack prices or full  
2 price, list price. The discount has been taken afterwards,  
3 which is standard practice. And I use 10% as a discount only  
4 as a reference point. I have packages that go even further  
5 than that.

6 Q Did you -- did -- with respect to this particular  
7 proposal for Mr. Bryan, did you obtain any specific -- I mean,  
8 you referred here to taking the prices out of the catalog. Is  
9 that -- was that the source of the process.

10 A For the things above where the discounts were taken,  
11 yes.

12 Q Right. And then the discount was based upon your  
13 experience.

14 A My experience.

15 Q Okay. And then at the top of page eight, the -- your  
16 -- your adjustment for installation, did you -- did you make  
17 any verification as to whether the items that had been  
18 proposed by Mr. Bryan, or even the items proposed by you had  
19 increased by any particular amount during the period of time  
20 between 1991 and 1994?

21 A The prices are constantly changing. We're looking  
22 at the aggregate sum. If you look at the -- even with the  
23 revised estimate, I'm within six percent of what the original  
24 estimate was.

25 Q The -- is -- is -- what I'm asking, though, is did

1 you make -- have you made any -- are you assuming any certain  
2 degree of inflation, a certain percentage?

3 A Just -- it's a general comment. Adjusting for --  
4 our value of our dollar is going down periodically, every  
5 year. Your spending power gets less and less. The costs of  
6 things gets higher and higher. Each year we generally have a  
7 three to five percent increase in our costs based on inflation  
8 and over a two and a half to three year period, we're well  
9 within in that.

10 Q But -- okay. But you didn't make any determination  
11 as to, for instance, what degree of price may have changed on  
12 the -- one of the items he's proposed here, say the Mosely --  
13 package or the --

14 A That's specified by the manufacturer.

15 Q That's right. Okay. I'll see if I can find one  
16 then. Well, what about the -- remote control package, for  
17 instance? Did you make it -- you're still proposing again the  
18 remote system?

19 A Um-hum.

20 Q Did you make any determination as to how much that  
21 had increased in price between December '91 and the present?

22 A No. I simply looked at what the price was now. The  
23 price in 1991 was then. This is now.

24 Q Did you verify that this was the price in 1991?

25 A No.

1 Q Okay. You accepted the figures that Mr. Bryan --

2 A I basically -- what I did, then on the left side of  
3 the spreadsheet, is what Mr. Bryan had in his original  
4 estimate and next to it was what I either kept or substituted.

5 Q That's the way I understood it. Okay.

6 A I was trying to do a fair comparison to what he  
7 originally estimated and then putting in all the little  
8 details that are necessary.

9 Q You aren't -- you -- you weren't involved in  
10 preparing Mr. Bryan -- involvement in the preparation of the  
11 original proposal? Is that correct?

12 A No, I wasn't.

13 Q Were you consulted in a recent period of time?

14 A I think about two months ago Mr. Carr contacted me.

15 Q Okay. And I think you testified earlier that your  
16 recommendation for the pressurization of the line and antenna  
17 you proposed would be by use of the nitrogen tank assembly,  
18 not the air compressor.

19 A Yeah, that's perfectly adequate.

20 Q The -- looking at your proposal, I mean, looking at  
21 your table, say table one or table two, the -- it appears that  
22 Bryan admitted the connectors and the hanging grounding kits  
23 with respect to transmission lines.

24 A So?

25 Q Is that -- was that your -- from reviewing his

1 | proposal, would you agree with that statement?

2 |       A     I would agree.

3 |       Q     And, the same -- the same situation with the  
4 | transmission line with respect to the hanging and grounding  
5 | kits. Those were left off the original proposal.

6 |       A     They were.

7 |       Q     And you proposed a -- amplified speakers --  
8 | amplified speakers. Did you find any monitoring speaking  
9 | included in Mr. Bryan's original proposal?

10 |       A     I don't believe do. Not to my recollection.

11 |       Q     We talked about the lightening rods earlier. It's  
12 | your -- it's your understanding that those are included in the  
13 | package that Mr. Stone is providing, isn't it?

14 |       A     Um-hum.

15 |             MR. CARR: -- speaker?

16 |             MR. MERTZ: I believe so, yes. The lightening  
17 | projector is nothing more than a rod that sits above the  
18 | beacon and bolts to the mounting plate.

19 |             BY MR. BRADY:

20 |       Q     Right. The -- the control board or the mixing  
21 | board, it's a RAMSA, is that the way you pronounce that?

22 |       A     That's correct.

23 |       Q     Okay. That as I read that in the catalog, that  
24 | particular item, you know, if not I'll get you the catalog  
25 | would you like to see it?

1 A No, I looked at it when you brought it up before.

2 Q Okay. That's -- that particular board has two  
3 stereo inputs and eight mono. Is that correct?

4 A That's correct.

5 Q The -- the electric voice microphone that you  
6 proposed, do they make -- is that the lowest price model they  
7 make?

8 A Which model did I specify?

9 Q It is the 635A, I believe.

10 A No, it's not. It's not the cheapest one they make.

11 Q Is the cheapest one they make for this for this type  
12 of application?

13 A I believe they have less expensive ones.

14 Q All right.

15 A -- is a very broad range. It's not always covered  
16 in these catalogs.

17 Q The -- 6301 amplified speaker, how many stations of  
18 the studio facility that you've installed, have you used as  
19 the main or primary control room monitoring?

20 A About six to seven.

21 Q What size speaker do those have?

22 A About that big. They have a nickel amplifier built  
23 into them so you don't need an external amplified.

24 Q What is it a five or a six, four inch speaker?

25 A It's about that big. I'd say it's about eight



1 inches high and about four inches wide.

2 Q The internal speaker, do you know what size -- is  
3 it?

4 A Four or five inches.

5 Q Okay. The mini reflectors that you proposed are  
6 smaller in size as well as price, are they not?

7 A They are.

8 Q Okay. What size dish is it?

9 A I think it's about three -- two and a half to three  
10 foot.

11 Q And, and the paraflector, both made by Scala, those  
12 are what -- four feet?

13 A They're about four foot.

14 Q Okay. Now, with respect to the transmission line,  
15 you propose two hundred feet for that installation. Is that  
16 sufficient to install --

17 A That's for the STL?

18 Q Yes, STL.

19 A That's to cover both ends.

20 Q The -- so -- so you would -- how much transmission  
21 line would you be using at the studio end, do you know?

22 A I have no idea. This was basically for an estimate  
23 to determine whether we had sufficient funds to build the  
24 station. Generally, you will put the studio 40 feet above the  
25 ground and the transmitter will be a 100 to 150 feet above the

1 ground. Which would be at the site of the transmitter.

2 Q So -- so you'd have a hundred and fifty feet  
3 approximately?

4 A Well, fifty foot at the other end. So, and that in  
5 itself is a good estimate.

6 Q Mr. Bryan -- Mr. Bryan indicated earlier in his  
7 testimony and I think that you were present at that time,  
8 right, that he has an existing tower at the studio location.  
9 Is that sufficient transmission line to mount 150 at the  
10 transmitter and at the level he was referring to?

11 A Yes, it was.

12 Q Okay.

13 A I believe he said it was thirty or forty feet high.  
14 If he put it 150 feet at the transmitter for the receive end,  
15 the studio head would be fifty feet left over. That includes  
16 coming down the tower and going to where ever it needs to go.

17 Q Mr. Bryan indicated that the -- that he had another  
18 site that had a repeater on it that he could put -- if he was  
19 to make an installation at that location, what additional  
20 equipment would he need to make that hot? Would he need -- he  
21 wouldn't need -- would he need line and -- and --

22 A I'm not familiar with the situation to speculate  
23 here would be --

24 Q Okay.

25 A I need to know the details before I could give you a

1 good answer.

2 Q Okay. The -- in installing an STL on a transmitter  
3 at a studio location, is -- does that type of -- the type of  
4 frequency it uses, does it require -- or need a line of site?

5 A Yes, it does.

6 Q It does need a line of site. Do you know -- do you  
7 know how -- what the distance is between his transmitter site  
8 and his studio site are?

9 A No, I do not.

10 Q I'm going to show the witness a copy of the  
11 Greenville quadrangle, USGS. What I'm going to ask you is,  
12 basically, a hypothetical question, as soon as I find my  
13 bearing here. If a -- if a studio were located on this  
14 corner, these two streets, that intersection you see there?

15 A Um-hum.

16 Q The transmitter was located on the bottom right hand  
17 corner of the -- quadrangle, such that -- that the path ran  
18 across this terrain right here, the -- this, basically, the  
19 location here -- this is a twenty -- you're familiar with the  
20 quadrangle mount, correct?

21 A Yes, I am.

22 Q And this reflects twenty foot antenna --

23 A Um-hum.

24 Q So, if you count it up, one, two, three, four.

25 You're up four. So you're forty feet at that location and if

1 | you were -- if you cut through that top you'd be another --  
2 | that'd be a hundred. So, somewhere between eighty and a  
3 | hundred feet hill -- studio location.

4 |       A     -- be specifically. Show me -- you're on. Okay,  
5 | it's fifteen eighty, sixty, 40, okay.

6 |       Q     Okay. How high would you need to have the -- would  
7 | you not need to increase the height of the antenna at this  
8 | location in order to get over this obstacle with your tower  
9 | site down in that corner?

10 |       A     If he's 40 feet above the ground, no, put her at the  
11 | top.

12 |       Q     40 feet above -- you're saying a 40 foot antenna --

13 |       A     If he's got a thirty-five, 40 foot, he'd probably  
14 | make it.

15 |       Q     Okay. But he'd have to get over this hill,  
16 | theoretically?

17 |       A     Yeah. And, if he had to put a ten, twenty foot  
18 | section on top of that, that's the real cheap ham radio type  
19 | of tower. I mean, that's another fifty bucks.

20 |       Q     Okay. So you're saying the tower at this location  
21 | could be increased?

22 |       A     It could probably -- I'd have to look at this and  
23 | actually do an analysis, but from the looks of it, I -- he's  
24 | probably adequate with what he's got.

25 |       Q     But, if he's got a hundred foot rise in back, you're

1 saying that 40 feet would take care of that?

2 A I'd have to see what the whole terrain looks like  
3 and see if it's -- analysis was. That -- that will tell me.

4 Q Well, the distance -- given the distance of the  
5 thing, though, you're going to have -- you're not going -- the  
6 tower's not going to be right here, is what I'm saying. The  
7 tower's in the other location.

8 A I'd have to see what the intervening terrain looks  
9 like.

10 Q Okay.

11 A You can't make that determination just like it is.  
12 That's the way it works. There may be an adjacent building  
13 that was taller that would work. That's looking just at the  
14 terrain path right now.

15 Q The -- if the -- if the terrain was a problem, then  
16 what would your recommendation be in terms of resolving?

17 A I wouldn't have an immediate recommendation. I  
18 would look at options, see where I could mount the receive  
19 part of this. Because, you have -- you have to remember,  
20 you're looking at a globe. You're not looking at flat terrain  
21 as you are there. You're looking at a globe. So I may have  
22 to raise the SPL antenna on the transmitter site a little bit  
23 higher to get over that rise. But, for purposes of what I've  
24 done here, which is an estimate, that's not for me to --

25 Q So, you might put the -- you might put the SPL

1 higher

2 A Receive end.

3 Q Right. And that would go to what level,  
4 potentially?

5 A I can't tell you that just sitting here.

6 Q Well, can you base it on the construction of the, I  
7 mean, of the tower. It's a four bay antenna.

8 A My limitation would be at the bottom of that antenna  
9 bay.

10 Q So, it doesn't have to be any particular distance  
11 from the antenna?

12 A I normally would keep it ten feet above the bottom  
13 bay, but that's just my practice -- how I do it.

14 Q That's -- let's see. In order to operate the Getner  
15 remote control, would you need a phone line at the transmitter  
16 site?

17 A No.

18 Q This is a -- a document prepared by the FAA.

19 A Um-hum.

20 Q And, it -- what -- what type of lighting is called  
21 for on that -- that document indicates, does it not, that it's  
22 a -- an acknowledgement for proposed construction?

23 A Um-hum.

24 Q Signed by Robert Ship at the FAA to the, what is it,  
25 southern region. And, what type of lighting is required? Do

1 -- do you understand the --

2 A I don't know what specific power -- because we  
3 normally work with FCC form 715, which determines what  
4 requirements, so I'd have to look at this particular thing to  
5 determine what the FAA has required. We don't deal with --

6 Q Okay. So you don't --

7 A Normally, up to 300 fifty feet is normally -- the  
8 construction light's in middle and the beacon at the top.  
9 And, it's either photocell or on all the time.

10 Q Okay. You don't -- you're saying -- your answer is  
11 --

12 A I can't tell for sure without having the reference  
13 beside me because that changes periodically.

14 Q Okay. That's all the questions I have. Thanks.

15 A Thank you.

16 MR. CARR: I just wanted to -- I have one question.

17 CROSS EXAMINATION

18 BY MR. CARR:

19 Q On page four of 13 of your testimony, you were asked  
20 a question at the very last sentence. The question involved  
21 whether -- you said, FDH did not show the initial discount.  
22 Are you're just saying it failed to include the customary  
23 discount page normally offered. What -- when you talk about  
24 the customary discount, what are you talking about?

25 A Normally, we ask for a proposal from the

1 manufacturer. We tell them we're looking for this and this  
2 and this in the package. And they give us the list prices and  
3 at the end of the thing I normally have the proposal say boom,  
4 there's the list price, and this is what we'll sell it to you  
5 for.

6 Q The pages that you were -- the proposal that you  
7 were shown, including the last page, that Continental  
8 proposal, that did not show any discount?

9 A No, it did not.

10 Q And so -- so that page was a recitation of what  
11 prices?

12 A All list prices.

13 Q All list prices?

14 A That's correct.

15 Q Okay. I'm finished.

16 JUDGE FRYSIK: Mr. Mertz, thank you very much.  
17 You're excused.

18 MR. MERTZ: Thank you.

19 JUDGE FRYSIK: Does that conclude your case?

20 MR. CARR: That concludes the case of Darrell Bryan,  
21 yes, Your Honor.

22 JUDGE FRYSIK: All right. Let's take a short  
23 recess.

24 (Off the record. On the record.)

25 JUDGE FRYSIK: We're back on the record.



1 MR. BRADY: Your Honor, we had exchanged an exhibit  
2 sponsored by Mr. Seaver which we would like to offer. It's  
3 been identified and we'd like to offer it and he's available  
4 for cross examination.

5 JUDGE FRYSIK: Any objections to exhibits?

6 MR. CARR: Well, I was -- I was going to make a  
7 couple of objections, Your Honor.

8 JUDGE FRYSIK: Sure.

9 MR. CARR: To the exhibits.

10 JUDGE FRYSIK: Go right ahead. SBH 5.

11 MR. CARR: Your Honor, page three the paragraph --  
12 second full paragraph, "I was advised by an engineer that the  
13 cost for connectors will not cover the cost of copper."  
14 Engineer, no one's identified and it's classic hearsay. And,  
15 I'm not sure what it adds to the record, here, Your Honor.

16 MR. BRADY: We have no objection to striking that  
17 sentence, Your Honor.

18 JUDGE FRYSIK: All right. Strike that paragraph.

19 MR. CARR: At the bottom the -- the last paragraph  
20 at the very bottom, a similar objection, Your Honor. --

21 MR. BRADY: No objection, Your Honor.

22 JUDGE FRYSIK: Strike the entire sentence.

23 MR. BRADY: The last sentence, Bill Hoisington, etc.

24 MR. CARR: Bill Hoisington advised.

25 MR. BRADY: No objection.